IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO.355 OF 1999.

Maharashtra State Road Transport Corporation ...Appellant

Versus

Smt Nafeesunnisa Begum & Ors. ...Respondents

Shri C.M.Lokesh for the Appellant.

Shri M.G.Barve for the Respondent No.3.

CORAM : ABHAY S.OKA, J.
DATED : 05th December, 2007.

P.C.:

1. This appeal is pending for admission from the year 1999. There is nothing on record to show that amount awarded by way of costs by this Court while condoning the delay is deposited by the appellant. In the circumstances, appeal of the year 1999 cannot be kept pending.

2. The impugned judgment and award has been passed by the Motor Accident Claims Tribunal in a claim arising out of a fatal accident. There is a finding recorded by the Tribunal that the liability of the appellant is to the extent of 40%. I am informed that in appeals against awards passed arising out of the same accident, the said finding has been confirmed by a Division Bench of this Court.

3. As regards quantum, I find that in case of deceased who was 37 years old, multiplier of 13 has been rightly applied by the Tribunal. Moreover, income is taken as Rs.1,500/- per month and deduction of one third amount has been made on account of personal expenditure. Hence, there is no merit in the appeal and the appeal is accordingly dismissed.

JUDGE